

EXHIBIT 7

**GREENBERG GLUSKER FIELDS CLAMAN
& MACHTINGER LLP**
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590

1 STEPHEN S. SMITH (SBN 166539)
2 SSmith@GreenbergGlusker.com
3 WILLIAM M. WALKER (SBN 145559)
4 WWalker@GreenbergGlusker.com
5 AARON J. MOSS (SBN 190625)
6 AMoss@GreenbergGlusker.com
GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP
1900 Avenue of the Stars, 21st Floor
Los Angeles, California 90067-4590
Telephone: 310.553.3610
Fax: 310.553.0687

Attorneys for Defendants
StudiVZ Ltd., Holtzbrinck Networks GmbH,
and Holtzbrinck Ventures GmbH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

14 | FACEBOOK, INC.,

15 Plaintiff,

16 || v.

17 STUDIVZ LTD., HOLTZBRINCK
18 NETWORKS GmbH,
HOLTZBRINCK VENTURES
GmbH, and DOES 1-25,

19 Defendants.

Case No. 5:08-CV-03468 JF

Assigned To: Honorable Jeremy Fogel

STUDIVZ LTD.'S SUPPLEMENTAL RESPONSES TO FACEBOOK, INC.'S FIRST SET OF SPECIAL INTERROGATORIES

Complaint Filed: July 18, 2008

²³ PROPOUNDING PARTY: FACEBOOK, INC.

24 RESPONDING PARTY: STUDIVZ LTD.

25 SET NUMBER: ONE

1 is not entitled to take discovery on personal jurisdiction as a matter of right. In
2 order to do so, Facebook must either make a *prima facie* showing of jurisdiction
3 over StudiVZ, or it must identify material jurisdictional issues that are in dispute.
4 Facebook has done neither. StudiVZ further objects to this interrogatory on the
5 grounds that the definition of "YOU" is grossly overbroad. StudiVZ further objects
6 to this interrogatory on the grounds that it is unlimited as to time, and is so
7 overbroad as to be unduly burdensome and harassing. StudiVZ further objects to
8 this interrogatory on the grounds that it is compound. StudiVZ further objects to
9 this interrogatory on the grounds that it seeks information that is not relevant nor
10 reasonably calculated to lead to the discovery of admissible evidence. StudiVZ
11 further objects to this interrogatory on the grounds that it is not limited to trips,
12 contacts or communications that occurred within the authorized course and scope of
13 StudiVZ's business.

14 Notwithstanding the foregoing objections, and pursuant to agreements
15 reached during the parties' "meet and confer," StudiVZ responds as follows:

16 The only travel of which StudiVZ is aware that was taken by an officer,
17 director or employee of StudiVZ to California that was related to that officer's,
18 director's or employee's work for StudiVZ is as follows: in 2006 Ehssan Dariani,
19 Dennis Bemann and Michael Brehm went together to California to negotiate with
20 Facebook and another U.S. company about a proposed purchase of studiVZ. At the
21 end of 2006, Michael Brehm visited Facebook in California one more time, this
22 time by himself, in connection with those same negotiations with Facebook
23 concerning Facebook's proposed purchase of StudiVZ. In 2008, Dennis Bemann
24 visited California for due diligence purposes during another attempt by Facebook to
25 buy StudiVZ.

26

27 **SPECIAL INTERROGATORY NO. 5:**

28 IDENTIFY, on a monthly basis, how many USERS OF STUDIVZ have been

1 registered at the www.studivz.net website, the www.meinvz.net website, the
2 www.studiqg.fr website, the www.studiln.it website, the www.estudiln.net website,
3 the www.studentix.pl website AND the www.schuelervz.net website since October
4 2005, AND how many of those USERS OF STUDIVZ are residents of, OR
5 PERSONS domiciled in, California.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

7 StudiVZ hereby incorporates by reference the general objections set forth
8 above. StudiVZ further objects to this interrogatory on the grounds that a plaintiff
9 is not entitled to take discovery on personal jurisdiction as a matter of right. In
10 order to do so, Facebook must either make a *prima facie* showing of jurisdiction
11 over StudiVZ, or it must identify material jurisdictional issues that are in dispute.
12 Facebook has done neither. StudiVZ further objects to this interrogatory on the
13 grounds that it is overbroad as to time.

14 Notwithstanding the foregoing objections, and pursuant to agreements
15 reached during the parties' "meet and confer," StudiVZ responds as follows:

16 StudiVZ cannot go back into time to search its user records to determine on
17 any given date the number of users it has who are residents of California or who
18 have identified some affiliation with a California college or university. It can only
19 conduct such a search on a then-current basis. StudiVZ conducted two such
20 searches in October 2008 in connection with its then-anticipated motion to dismiss,
21 which has since been filed. The first was conducted on or about October 14, 2008.
22 At that time, there were a total of 11,628,863 users of all StudiVZ Websites. Only
23 10,272 of those users had identified themselves as being affiliated with California
24 or a California-located university. Specifically, out of the 5,509,971 registered
25 users of the StudiVZ- branded sites, only 8,547 identified themselves as affiliated
26 with universities located in California. Out of the 4,396,184 registered users of the
27 SchuelerVZ-branded sites, only 122 identified themselves as being located in
28 California. Out of the 1,722,708 registered users of the MeinVZ-branded sites,

1 only 1,603 identified themselves as being located in California.

2 The second search was done on or about October 22, 2008. At that time,
3 there were a total of 11,768,965 users of all StudiVZ Websites. Only 11,013 of
4 those users had identified themselves as being affiliated with California or a
5 California-located university. Specifically, out of the 5,534,300 registered users of
6 the StudiVZ-branded sites, only 9,144 had identified themselves as affiliated with
7 universities located in California. Out of the 4,443,708 registered users of the
8 SchuelerVZ-branded sites, only 122 identified themselves as being located in
9 California. Out of the 1,790,957 registered users of the MeinVZ-branded sites, only
10 1,747 identified themselves as being located in California.

11

12 **SPECIAL INTERROGATORY NO. 6:**

13 IDENTIFY the number AND amount of accounts receivable owed YOU by
14 PERSONS that, OR who are, California residents OR PERSONS domiciled in
15 California. In doing so, IDENTIFY the goods AND services for which the
16 individual accounts receivable are owed.

17

RESPONSE TO SPECIAL INTERROGATORY NO. 6:

18 StudiVZ hereby incorporates by reference the general objections set forth
19 above. StudiVZ further objects to this interrogatory on the grounds that a plaintiff
20 is not entitled to take discovery on personal jurisdiction as a matter of right. In
21 order to do so, Facebook must either make a *prima facie* showing of jurisdiction
22 over StudiVZ, or it must identify material jurisdictional issues that are in dispute.
23 Facebook has done neither. StudiVZ further objects to this interrogatory on the
24 grounds that the definition of "YOU" is grossly overbroad. StudiVZ further objects
25 to this interrogatory on the grounds that it is compound.

26

Notwithstanding the foregoing objections, and pursuant to agreements
27 reached during the parties' "meet and confer," StudiVZ responds as follows:

28

As of July 18, 2008, StudiVZ did not have any accounts receivable that were

1 on the grounds that it seeks information that is not relevant nor reasonably
2 calculated to lead to the discovery of admissible evidence. StudiVZ further objects
3 to the interrogatory on the grounds that it infringes upon the users' privacy rights.

4 Notwithstanding the foregoing objections, and pursuant to agreements
5 reached during the parties' "meet and confer," StudiVZ responds as follows:

6 StudiVZ's websites are accessible from any and all colleges, universities and
7 institutions of higher learning that provide internet access all over the world,
8 including California. But StudiVZ does not specifically target its activities at
9 colleges, universities or institutes of higher learning in California.

10 DATED: December 24, 2008

11 GREENBERG GLUSKER FIELDS
12 CLAMAN & MACHTINGER LLP

13 By: 

14 STEPHEN S. SMITH
15 WILLIAM M. WALKER
16 Attorneys for Defendants StudiVZ
17 Ltd., Holtzbrinck Networks GmbH,
18 and Holtzbrinck Ventures GmbH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

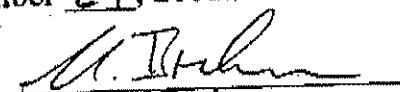
VERIFICATION

I, Michael Brehm, declare as follows:

I have read the foregoing "STUDIVZ LTD.'S SUPPLEMENTAL RESPONSES TO FACEBOOK, INC.'S FIRST SET OF SPECIAL INTERROGATORIES" and know the contents therein. I am the Chief Operating Officer of StudiVZ, Ltd. The matters stated therein are either true of my own knowledge or I am informed and believe them to be true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Berlin, Germany on December 24, 2008.


Michael Brehm

PROOF OF SERVICE
CCP §1011, CCP §1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2100, Los Angeles, California 90067-4590.

On December 24, 2008, I served the foregoing document described as STUDIVZ LTD.'S SUPPLEMENTAL RESPONSES TO FACEBOOK, INC.'S FIRST SET OF SPECIAL INTERROGATORIES on the interested parties in this action

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

Thomas Gray, Esq. (**ORIGINAL**)
Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558

Attorneys for Plaintiff Facebook, Inc.

Gary E. Weiss, Esq. (**COPY**)
gweiss@orrick.com
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025

BOTH BY E-MAIL AND U.S. MAIL:

☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. A true and correct copy of the document was also e-mailed to Thomas Gray, Esq., tgray@orrick.com, and to Gary E. Weiss, Esq. at gweiss@orrick.com.

Executed on December 24, 2008, at Los Angeles, California.

BY PERSONAL SERVICE:

I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at Los Angeles, California.

(Fed) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Nancy L. Luis

Nancy S. Davis
SIGNATURE

SIGNATURE